

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

WILLIAM R. GEIST, JR., #1880278

Petitioner,

v.

WARDEN,

Respondent.

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CIVIL ACTION NO. CCB-05-2488

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**MEMORANDUM**

The above-captioned action was filed with this court on September 1, 2005. Petitioner, a State of Maryland pretrial detainee, seeks to have this court issue an Order granting him bail and also seeks this court's assistance in expunging state court records. Paper No. 1. Although petitioner has not filed a motion for leave to proceed in forma pauperis, indigency status shall be granted pursuant to 28 U.S.C. § 1915(a).

Because petitioner seeks to compel a certain action by the state and/or its agents, the court concludes that the present matter is in the nature of a writ of mandamus. *See* 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel the Maryland state courts to provide petitioner bail or expunge his records *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore, petitioner's request for mandamus relief shall be denied by way of a separate order.

September 13, 2005

Date

/s/

Catherine C. Blake  
United States District Judge